

Interferences during the appeal of copending application SN 08/730,972 ("the '972 appeal").

However, because the Examiner of the present application found that the issues in this application are substantially identical to those at issue in the '972 appeal, the rejection was made in this application and supported by the arguments set forth in the Board's decision in the '972 appeal.) The thrust of this rejection is that the allegedly "admitted" prior art in combination with the teachings of Bridgeford, would have made the invention as claimed obvious to one of ordinary skill in the art. However, Applicants believe that such contention is unwarranted.

It is believed that the approach taken in relying upon the allegedly admitted prior art, and/or Bridgeford, is unrealistically superficial. Basically, the Examiner (and the Board) contends that supposedly admitted prior art teachings evidence a conventional knowledge, at the time of the instant invention, that casings of lesser weight are more desirable. But, the teachings relied upon for the instant rejection do not support such position.

First, the Table on page 6 of the present application, along with the other passages cited in the Board's decision on the '972 appeal, rather than evidencing a trend obviously pointing toward the instant invention, shows clearly that the prior art was an inadequate basis for making such invention. It is noted that the application prescribes the necessity for using a casing material which can achieve the lesser weights, yet strength and substantial elasticity which inhere in the invention. The material which is identified in the claim language is one which "comprises long-fibered manilla hemp paper, which paper is wet strengthened by viscose." In contrast, the materials identified as constituting the supposedly "admitted" prior art relied upon by the Board does not appear to be of that character. Therefore, instead of demonstrating knowledge in the art of a trend pointing toward the invention, the disclosure of

the application seems rather to corroborate that materials focused upon by the prior art worker were incapable of providing the combination of low weight, strength and elasticity features which are central to the instant invention.

For its part, Bridgeford is not sufficient to remedy the shortcomings of the supposedly “admitted” prior art in failing to disclose the casing claimed in the instant application or the method for making same. More specifically, the patent is concerned with cellulositic material which appears to be different from the materials specified in the claims as that from which the casings is be formed. For example, in column 6, it appears that the patent discloses a casing “produced by extruding a thin-walled extrudate of an alkaline viscose solution of conventional composition into a low temperature coagulation bath having a relatively low acid content and a relatively high dehydrating salt content.” It is also disclosed that the “alkaline viscose solution is prepared by conventional procedures well known in the art and advantageously contains from about 6 to about 8 percent by weight cellulose and about 5 to about 8 percent total alkalinity, the cellulose xanthate being derived from the alkali cellulose crumb having a DP in the order of 450 to 750 and preferably 550 to 650.” See lines 47-59. Furthermore, claim 2 of the patent simply says that the “Basis Weight of cellulose of which the casing is comprised is in the range of about 15 to 25 grams/square meter of cellulose for a casing dry flat widths ranging from about 21 millimeters to about 51 millimeters.” This is not normalized to the definition of the instant invention, with the result that it is not seen how the Board can be even reasonably certain that, once put on the same footing, the patented material would be the same or comparable to Applicants’. Furthermore, there is no teaching in the patent that the “cellulose” mentioned in the claim is the same as that required in Applicants’ claim language. Thus, even if a trend were taught in the patent as contended, that would be inconsequential.

The trend is not in any way linked to the material specified in the claim as being necessary for the achievement of the properties which the application discusses.

Therefore, it is urged that one of ordinary skill in the art would not have found either the supposedly "admitted" prior art in Applicants' own application or the teachings of Bridgeford to have supplied motivation to make the invention defined in Applicants' claims. Nor does the combination of the teachings of those two sources in any reasonable manner add up to the instant invention.

In such connection, it is especially noted that the claims explicitly limit the weight of hemp material used in connection with the instantly claimed invention to values which are substantially lower than anything disclosed in the references relied upon by the Board. These claims are urged to be allowable for the additional reason that nothing in the alleged prior art would have caused one of ordinary skill to operate at the low weights specified in such claims.

In view of the foregoing amendments and remarks, it is submitted that the claims are in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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